



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) No.14374 of 2017

Rev.M.Vincent Devasirvadham

... Petitioner

Vs.

1. Justice J.Kanakaraj,
Ret. High Court Judge,
Administrator TELC,
(Appointed by the Madras High Court)
Post Box No.86, Tranquebar House,
Tiruchirappalli - 620 001.

2. M/s.Samuel & Co.,
Chartered Accountant,
Rep. by Mr.A.Victor Samuel,
Adminstrator - Accounting Matter - TELC,
Post Box No.86, Tranquebar House,
Tiruchirappalli - 620 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to disburse the salary arrears from June 2002 to May 2013 and terminal benefits.

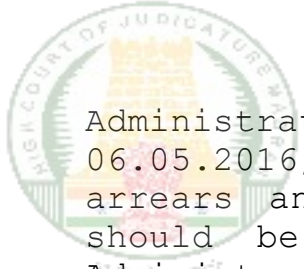
For Petitioner

: Mr.P.Dhanasekaran

ORDER

This writ petition has been filed by Rev.M.Vincent Devasirvadham for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to disburse the salary arrears from June 2002 to May 2013 and terminal benefits.

2.The petitioner served as Teacher and Headmaster till 1983 in various Schools in Tamil Nadu. It is his claim that he also served as Pastor in Tamil Evangelical Luthern Church [in short 'TELIC'] after his resignation from the post of Headmaster. While he was serving as Pastor, during the period commencing from June 2002 to May 2013, his salary were not paid by TELC Administration, as a result of which, huge salary arrears got accumulated. Therefore, the petitioner said to have made several representations to the authorities for payment of his salary arrears for the aforesaid period. After the appointment of



Administrator for the TELC, the petitioner made representations on 06.05.2016, 23.05.2016 and 10.06.2016 stating that his salary arrears and terminal benefits are due and therefore, the same should be disbursed to him. Having no response from the Administrator, the petitioner has come to this Court by way of the present writ petition.

3. First of all the prayer made in the writ petition is hit by laches and delay. When the petitioner claimed that while he was serving as Pastor in TELC after his resignation from the post of Headmaster, during the period commencing from June 2002 to May 2013, his salary arrears and terminal benefits were not paid, as a result, it has got accumulated, he should have taken immediate steps before expiry of three years from the date of accumulation of arrears. Even if it is presumed that from June 2002 to May 2013, in spite of his repeated representations, the same has not been paid, atleast within three years from 2013, the petitioner should have made his claim either before the Civil Court or before this Court, which he has admittedly not done. Therefore, the belated prayer made for payment of salary arrears and terminal benefits cannot be entertained, as it is hit by law of limitation.

4. For the above reasons, this Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. Justice J. Kanakaraj,
Retd. High Court Judge,
Administrator TELC,
(Appointed by the Madras High Court)
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AE/MR KKR/SAR3/16.08.2017/2P/3C